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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,146	01/09/2001	Martin Kiesel	2000 P 03001 US	6433

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PATENT DEPARTMENT
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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 06/25/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,146

Applicant(s)

KIESEL ET AL.

Examiner

Aaron C Perez-Daple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/09/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. A new oath or declaration is required because the applicant is not entitled to the benefits under 35 USC 120. The wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

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(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities: (i.) the specification does not follow the arrangement provided above; (ii.) page 3, lines 4-5 state, "in this data source," where this data source has not been defined; (iii.) page 15, line 13, states, "parameterization information from the input data." The examiner suggests that "from" should read "for;" (iv.) page 7, lines 26-27, do not properly reference the drawing shown in Figure 5. The terms "run level" and "level group background processing" do not appear in Figure 5.

Appropriate correction is required.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner suggests, "A Universal Motion Controller with a Data Source and a Converter for the Parameterization of System Information."

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to

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which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. On line 2, the phrase "adjusted number of" is not defined by the claim and the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 4, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As for claim 1, lines 15-16 state, "...current data for the technical process from the run time system." Whereas the technology packet is loaded into the run time system, it does not follow that the technology packet would also originate from the run time system.

9. As for claim 4, the claim recites the limitation "the technology packets" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

10. As for claim 6, the phrase "adjusted number of" in line 2, is a relative phrase which renders the claim indefinite. The phrase "adjusted number of" is not defined by the

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claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

11. As for claim 7, the claim recites the limitation "the user interface information" in line 2. There is insufficient antecedent basis for this limitation in the claim.
12. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph. Claim 1 recites the limitations "the classic tasks," "the group," and "the technical process" in lines 2, 7 and 15-16, respectively. There is insufficient antecedent basis for these limitations in the claim. Claim 1 should recite, "classic tasks," "a group" and "a technical process" in lines 2, 7 and 15-16, respectively. As dependent claims, claims 2-7 suffer from the same deficiencies as claim 1.
13. Claim 7 is objected to because of the following informalities: in line 4 of claim 7, the word "are" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cencik (US 5,933,638) in view of Mizuno (US 6,438,444).

As for claim 1, Cencik discloses:

A motion controller having an engineering system and a run time system, and that functionally combines the classic tasks of a PLC and a numerical controller, comprising:
a uniform run level model comprising a plurality of run levels of different types having differing priorities and further comprising a plurality of user and system levels having differing priorities (see column 8, line 42, through column 9, line 33).

Cencik does not specifically disclose a data source nor a converter coupled to the data source and to at least the engineering system. However, Mizuno discloses:

a data source (col. 2, lines 37-39) for description information for one of the group consisting of system variables, alarms and commands (col. 2, lines 52-53); and

a converter coupled to the data source and to at least the engineering system (figure 1); and

wherein the data source provides description information to the engineering system via the converter (see col. 2, lines 33-48);

the motion controller being further configured to permit a technology packet to be loaded into at least one of the engineering and run time systems, to provide the system variables with current data for the technical process from the run time system, and to permit input to be made via a user interface of the engineering system (see col. 2, line 54 through col. 3, line 24).

Mizuno further teaches that the system as disclosed above has the advantages that it provides the capability for easily updating control software and it effectively utilizes resources in the whole system (see col. 2, lines 25-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cencik with Mizuno because it would effectively utilize system resources and provide for easily updating the control software.

16. As for claim 2, Cencik and Mizuno do not specifically show the forwarding of documentation information by the converter from the data source to an output medium. “Official Notice” is taken that both the concept and advantages of forwarding documentation information to an output medium are well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time invention was made to use the converter to forward documentation information from the data source to the output medium, because this would allow for the storage and back-up of said documentation information.
17. As for claim 4, Cencik does not teach the use of technology packets with a code part and a configuration part. However, Mizuno discloses a motion controller, wherein the technology packets comprise:
 - a) code parts that represent controller specifics for the run time system and
 - b) a configuration part that exhibits the allocation of those code parts to each of the system-levels, as well as the sequence of their processing, wherein information relating to the configuration part is forwarded as needed to the engineering system (see col. 2, lines 54-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cencik with Mizuno because it would effectively utilize system resources and provide for easily updating the control software, as taught by Mizuno (see col. 2, lines 25-32).

18. As for claim 5, Cencik does not teach the delivery of the configuration part of a technology packet to the engineering and run time systems via the converter. However, Mizuno discloses a motion controller, wherein the information of the configuration part of a technology packet is delivered to the run time system and the engineering system by use of the data source and the converter (col. 2, lines 54-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cencik with Mizuno because it would effectively utilize system resources and provide for easily updating the control software, as taught by Mizuno (see col. 2, lines 25-32).

19. As for claim 6, Cencik does not teach the use of technology packets comprising a plurality of technology object types. However, Mizuno further discloses a motion controller wherein each technology packet comprises an adjusted number of technology object types for the run time system (col. 2, lines 54-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cencik with Mizuno because it would effectively utilize system resources and provide for easily updating the control software, as taught by Mizuno (see col. 2, lines 25-32).

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20. As for claim 7, Cencik discloses:

The motion controller according to claim 4, wherein the user interface information comprises at least one of the group consisting of operating parameters, programming language features and declaration parts are allocated to the code parts (col. 8, lines 49-60).

Allowable Subject Matter

21. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 5,930,141, note the external storage of figure 1, (element 5) and the expansion slots (element4); US 6,470,225, note figures 8a and 8b; US 5,659,480, note figure 3; US 5,291,391, note figure 3; US 4,495,572, note the printer in figure 1; US 4,720,784, note figure 1; US 4,821,170, note figure 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703)305-4897. The examiner can normally be reached from 8am-5pm, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (703)305-8498. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Aaron Perez-Daple
June 13, 2003



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